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10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 **HAROLD B. SHAMBURGER,**

15 Plaintiff,

16 v.

17 **R. KIRKLAND, et al.,**

18 Defendants.  
19

C 07-4597 JSW (PR)

**DEFENDANTS' MOTION  
FOR AN EXTENSION OF  
TIME TO FILE A  
DISPOSITIVE MOTION**

20 Defendants Fischer and Ruff (Defendants) respectfully request a seventy-day extension of  
21 time, up to and including May 20, 2008, in which to file a dispositive motion.

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1 As explained in detail by the accompanying declaration of counsel, Defendants need  
2 additional time to prepare a dispositive motion and potentially multiple supporting declarations  
3 because their counsel received assignment of this case on June 4, 2008, and has much intervening  
4 casework.

5 Although the Court's Order of Service set Defendants' filing date for a dispositive motion  
6 on June 2, 2008, Defendants' counsel received assignment of the case after this deadline, on June  
7 4, 2008, because the Marshals Service mailed Defendants the summons and complaint only  
8 recently, on May 23, 2008. Thus, Defendants' first motion for an extension of time is,  
9 regrettably, tardy.

10  
11 Dated: June 5, 2008

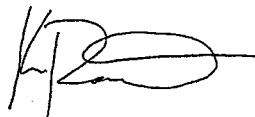
12 Respectfully submitted,

13 EDMUND G. BROWN JR.  
Attorney General of the State of California

14 DAVID S. CHANEY  
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21 Deputy Attorney General  
22 Attorneys for Defendants Fischer and Ruff

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Shamburger v. Kirkland, et al.**

Case No.: **C 07-4597 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 5, 2008, I served the attached

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE A DISPOSITIVE MOTION**

**DECLARATION OF KENNETH T. ROOST IN SUPPORT OF DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE A DISPOSITIVE MOTION**

**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE A DISPOSITIVE MOTION**

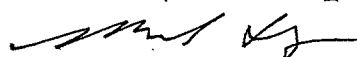
by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Harold B. Shamburger  
D-16530  
Pelican Bay State Prison  
P.O. Box 7000  
Crescent City, CA 95531-7000  
Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **June 5, 2008**, at San Francisco, California.

M. Xiang

Declarant



Signature